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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA  
12 SACRAMENTO DIVISION  
13

14 SOPHIE MOY,

15 Plaintiff,

16 v.

17 ANDREW SAUL,  
18 Commissioner of Social Security,

19 Defendant.  
20

No. 2:20-cv-01319-AC

STIPULATION AND ~~PROPOSED~~ ORDER FOR  
EXTENSION TO FILE DEFENDANT'S CROSS-  
MOTION FOR SUMMARY JUDGMENT

21 The parties stipulate through counsel that Defendant, the Commissioner of Social Security  
22 (the "Commissioner"), shall have an extension of time to file his cross-motion for summary  
23 judgment in this case. In support of this request, the Commissioner respectfully states as follows:

24 1. Primary responsibility for handling this case has been delegated to the Office of  
25 the Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").

26 2. Defendant's response to Plaintiff's opening brief is currently due June 21, 2021,  
27 2021. The presently assigned counsel for Defendant has not previously requested an extension of  
28

1 time for this deadline.

2 3. The Region IX Office currently handles all district and circuit court litigation  
3 involving the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and  
4 Guam.

5 4. The Region IX Office employs 47 staff attorneys, of whom 27 handle civil  
6 litigation involving the Social Security program in the eight assigned jurisdictions, at least part-  
7 time. For the month of June 2021, the Region IX Office has 182 district court briefs due in the  
8 jurisdictions it handles. In addition, the Region IX Office has nine appellate cases pending for  
9 briefing.

10 5. In addition to this “program” litigation, the 27 staff attorneys in the Region IX  
11 Office maintain other workload responsibilities, with most of them dedicating 40 percent or more  
12 of their time to these workloads. The Region IX Office provides a full range of legal services as  
13 counsel for the Social Security Administration, in a region that covers four states (including the  
14 most populous state in the nation) and three territories. These other workloads include  
15 employment litigation; civil rights investigations; bankruptcy matters; and requests for legal  
16 advice on wide-ranging topics, including employee conduct and performance, reasonable  
17 accommodation, hostile work environment, ethics, Privacy Act and disclosure, torts, property,  
18 and contracts.

19 6. The undersigned attorney has 16 briefs due in district court cases over the next  
20 month, as well as numerous non-program litigation workload demands.

21 7. Due to the volume of the overall workload within the Region IX Office, neither the  
22 undersigned attorney nor another attorney in the Region IX Office anticipate being able to  
23 complete briefing by the current due date of June 21, 2021. Therefore, Defendant seeks an  
24 extension of 45 days, until August 5, 2021, to respond to Plaintiff’s opening brief.

25 8. This request is made in good faith and is not intended to delay the proceedings in  
26 this matter.

27 WHEREFORE, Defendant requests until August 5, 2021, to file his cross-motion for  
28 summary judgment.

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Respectfully submitted,

DATE: June 21, 2021

/s/ Jeffrey R. Duarte  
Jeffrey R. Duarte  
Attorney for Plaintiff  
(as approved via email)

PHILLIP A. TALBERT  
Acting United States Attorney

DATE: June 21, 2021


By /s/ Michael K. Marriott  
MICHAEL K. MARRIOTT  
Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Pursuant to stipulation, it is so ordered.

DATE: June 22, 2021

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE